

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ERIK KHAN,**  
  
**Plaintiff,**

**v.**

**No. 15-cv-1151 MV/SMV**

**CHRIS BARELA, BOARD OF COUNTY  
COMMISSIONERS OF DOÑA ANA COUNTY,  
ARAMARK CORPORATION,  
BILL STICKLES, and DAVID BEAM,**

**Defendants.<sup>1</sup>**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION AND  
DENYING DEFENDANT ARAMARK'S MOTION TO DISMISS**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PF&RD") [Doc. 136], filed on January 12, 2021. On reference by the undersigned, [Doc. 13], the Honorable Stephan M. Vidmar, United States Magistrate Judge, recommended that Defendant Aramark's Motion to Dismiss [Doc. 123] be denied, and notified the parties of their right to object within 14 days of the recommendation. No party has objected to the PF&RD, and the 14-day objection deadline has passed.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 136] are **ADOPTED**.


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<sup>1</sup> This caption reflects the Defendants listed in the Third Amended Complaint, except that Plaintiff substituted Defendant David Beam for the John Doe Defendant on June 24, 2020. [Docs. 100, 109]. Moreover, Defendants Bill Stickles and David Beam were dismissed as parties on November 6, 2020. [Doc. 133]. Finally, in its Motion to Dismiss, Defendant Aramark states that its proper name is "Aramark Correctional Services, LLC." [Doc. 123].

**IT IS FURTHER ORDERED** that Defendant Aramark's Motion to Dismiss [Doc. 123] is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant Aramark file a responsive pleading within 14 days of the issuance of this Order. *See* Fed. R. Civ. P. 12(a)(4)(A).

**IT IS SO ORDERED.**

  
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MARTHA VAZQUEZ  
United States District Judge